

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID WAYNE  
KETCHUM, JR.,

Plaintiff, CASE NO. 1:10-CV-14749  
JUDGE THOMAS L. LUDINGTON  
MAGISTRATE JUDGE ANTHONY P. PATTI

v.

RANDY KHAN,  
JOSEPH MCMILLAN,  
JESSICA WELTON,  
JEFFREY WERDA and  
PHILLIP SCHUETTE,

Defendants,

---

**ORDER SETTING DEADLINE FOR PLAINTIFF'S COUNSELS'  
RESPONSE TO PLAINTIFF'S SEPTEMBER 10, 2015 MOTION TO  
PREVENT CO-COUNSEL KAY KRESS FROM ASSISTING IN THIS  
CASE (DE 64)**

On September 4, 2014, the Court entered an order (DE 52) conditionally granting Plaintiff's July 31, 2014 renewed motion for the appointment of counsel (DE 51). On July 22, 2015, Judge Ludington entered an order of assignment of counsel, by which attorneys Matthew J. Lund and Brett M. Gelbord, each of Pepper Hamilton, L.L.P., were assigned to represent Plaintiff Ketchum in this matter. DE 58.

On July 27, 2015, the Court conducted a scheduling conference. The ensuing case management and scheduling order provides for a discovery cutoff of November 30, 2015, a dispositive motion deadline of December 30, 2015, and a trial date of June 7, 2016. DE 60.

On August 6, 2015, Kay S. Kress, also of Pepper Hamilton, L.L.P., filed an appearance. DE 61. Since then, attorney Kress has also filed a notice of Plaintiff's intent to seek punitive damages (DE 62) and a certificate of service as to initial disclosures (DE 63).<sup>1</sup>

Currently before the Court is Plaintiff's September 10, 2015 motion to prevent co-counsel Kay Kress from assisting in this case. DE 64. Upon consideration, attorneys Brett Gelbord, Matthew J. Lund and Kay S. Kress are **DIRECTED** to file a collective response to Plaintiff's September 10, 2014 motion (DE 64) no later than Friday, **October 2, 2015**, explaining Attorney Kay Kress' role and prospective role in this matter. After carefully reviewing the attorneys' explanation of Kay Kress' role and prospective role in this case, Plaintiff shall file a reply brief on or before **October 16, 2015**, in which he should inform the Court whether his position on this issue has changed or been modified, and if not, why not; if so, why so.

---

<sup>1</sup> This certificate of service was stricken on September 9, 2015.

**IT IS SO ORDERED.**

Dated: September 18, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 18, 2015, electronically and/or by U.S. Mail.

s/ Michael Williams

Case Manager for the

Honorable Anthony P. Patti